

REMARKS

Claims 1-18 are currently pending in this application. Claims 1, 3, 10, and 12 were previously amended.

No claims are amended with this Paper.

Anticipation Rejection

Claims 1-18 were rejected under 35 USC §102(e) as being unpatentable over Welch et al., US Pat. No. 6,286,145 ("Welchel"). (Paper No. 5 at 2.)

For the reasons set forth below the rejection, respectfully is traversed.

Welchel purports to disclose a breathable composite barrier fabric for protective garments. (Col. 6, lns. 38-39.) The low-strength nonwoven web is on the bodyside of the garment and the high-strength nonwoven web is on the exterior of the garment. (Col.5, lns. 49-51.) As illustrated, a breathable composite barrier fabric 10 includes a low-strength nonwoven web 12, a high-strength nonwoven web 14, and a barrier layer 16 positioned between the low-strength nonwoven web 12 and the high-strength nonwoven web 14. (Col. 8, lns. 63-67.) The low-strength nonwoven web 12 may have sufficient integrity and coherence to shield the barrier layer 16 from abrasion and wear caused by rubbing against the clothing or body of a person wearing the protective garment. (Col. 9, lns. 13-16.) The high-strength nonwoven web 14 faces the environment. (Col. 9, ln. 11.)

In making the rejection, the Examiner asserted that Welchel discloses an absorbent article comprising an absorbent core 14 and a breathable film backsheet 16, as shown in figure 1. (Paper 5 at 2.)

Amended claims 1 and 12 are directed to an absorbent article. The Examiner is directed to page 1, lines 7-12, where absorbent articles are defined and examples of absorbent articles are provided.

As well settled, anticipation requires "identity of invention." Each and every element recited in a claim must be found in a single prior art reference and arranged as in the claim.

It is respectfully submitted that it is not seen where Welchel discloses an absorbent article. Much less an absorbent article having an absorbent core as posited by the Examiner. In particular, it appears that Welchel discloses protective garment having barrier layer 16 and high-strength nonwoven web 14 on the outer surface of barrier layer

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16. Since high-strength nonwoven web 14 is on the outer surface of the barrier layer, it would be unlikely that the nonwoven web would be able to absorb and retain body exudates as the barrier layer would prevent the fluid from contacting the nonwoven web. Because it is not seen where Welchel discloses each and every element of claims 1 and 12, the rejection is improper and should be withdrawn.

Claims 2-11 and 13-18 depend from claim 1 and 12, respectively, and therefore include the limitations of claims 1 and 12. Accordingly, it is respectfully submitted that claims 2-11 and 13-18 are also patentable over Welchel for at least the reason set forth above with respect to claims 1 and 12.

Accordingly, for the reasons set forth above, withdrawal of the rejections and allowance of the claims is respectfully requested.

Finally, the Examiner is invited to call the applicants' undersigned representative if any further action will expedite the prosecution of the application or if the Examiner has any suggestions or questions concerning the application or the present Response. In fact, if the claims of the application are not believed to be in full condition for allowance, for any reason, the applicants respectfully request the constructive assistance and suggestions of the Examiner in drafting one or more acceptable claims pursuant to MPEP § 707.07(j) or in making constructive suggestions pursuant to MPEP § 706.03 so that the application can be placed in allowable condition as soon as possible and without the need for further proceedings.

Respectfully submitted,

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